

JFW DAC
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Reissue Application of:

Sanchez et al.

Serial No.: 09/753171

Control No.: 9702

Filed: December 29, 2000

Attention:

Paul Shanoski
Senior Attorney
Office of Petitions

RECEIVED

JUL 19 2006

OFFICE OF PETITIONSRelates to:

Patent No.: 5,635,235

Patented: June 3, 1997

Reissued as: RE37008

Reissued: January 2, 2001

From: 09/325122

For: METHODS FOR HANDLING MASA

June 26, 2006

Irvine, California

RECEIVED
13 JUL 1 2006

Legal Staff
International Division

Renewed Petition Under 37 C.F.R § 1.47(a)

Mail Stop Petition
Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Attn: Paul Shanoski, Office of Petitions

Dear Sir:

Petitioner Casa Herrera, Inc. is in receipt of the Decision on Petition mailed on June 21, 2006.

Petitioner is the owner by assignment of the above-noted patent that is the subject of the above-entitled reissue application.

Petitioner gratefully acknowledges the Decision's confirmation that Petitioner has complied with almost all of the requirements of 37 C.F.R. § 1.47(a). The only noted omissions are the submission of: (1) executed assignments from the inventors to the petitioner; and (2) the written consent of Petitioner as an assignee of the entire interest.

In particular, at page 3, the Decision notes that the electronic file has been reviewed, but "it does not appear to contain an executed assignment from these inventors" and "it does not appear that the written consent of an assignee of the entire interest ... has been provided".

Upon close examination, however, it appears that these documents are already in the electronic file record. Though they are undoubtedly hard to find given the size of the file which was recently reconstructed, combined with their unfortunate inclusion in a multi-page document having a title that does little to suggest their presence, they are indeed there. In particular, the documents believed to be missing are located within the following file that is visible on Public PAIR as follows:

Mail Room Date	Document Description	Document Category	Page Count
12-29-2000	Oath or Declaration filed	PROSECUTION	25

In even more detail, the following two documents can be found with the above 25-page document at the following page locations:

Pages 3-10 Assignee's statement of authority, aka "Statement Under 37 CFR 3.73(b)", and actual copies of the underlying assignments¹ from the inventors – to the first assignee – to Petitioner

Pages 11-12 Written Consent of Assignee (the herein Petitioner)

Based on the foregoing, Petitioner respectfully submits that its Petition Under 37 C.F.R § 1.47(a) is in condition for a favorable decision that would return the file to the Examiner for review and allowance in light of the Board's decision on its appeal.

¹ The first assignment from the three inventors to Machine Masters, Inc. was recorded at reel 7069, frame 592, and the second assignment from Machine Masters, Inc. to Casa Herrera, Inc. was recorded at 9950, frame 534.

The undersigned attorney invites Petitions Attorney Paul Shanoski to call if it appears that a telephone conference would further this case in any way.

Respectfully submitted,



Dated: 6/26/06

Joseph C. Andras
Registration No. 33,469
Myers, Dawes & Andras LLP
19900 MacArthur Boulevard, Suite 1150
Irvine, CA 92612
(949) 223-9600

Certificate of Express Mailing under 37 CFR 1.10

I hereby certify that this correspondence is being deposited with the United States Postal Service under 37 CFR 1.10 on the date shown below with sufficient postage as Express Mail # EV767074525US and is addressed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date: June 26, 2006


Eric Hoover